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**Supreme Court of the United States**

OCTOBER TERM, 1950.

No. 565.

RADIO CORPORATION OF AMERICA, NATIONAL  
BROADCASTING COMPANY, INC., RCA VICTOR  
DISTRIBUTING CORPORATION, *et al.*,

*Appellants,*

*against*

UNITED STATES OF AMERICA, FEDERAL COM-  
MUNICATIONS COMMISSION, AND COLUMBIA  
BROADCASTING SYSTEM, INC.,

*Appellees.*

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR  
THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION.

**MOTION FOR LEAVE TO DISPENSE WITH  
PRINTING PART OF THE RECORD.**

JOHN T. CAHILL,

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Radio Corporation of America, National  
Broadcasting Company, Inc., RCA  
Victor Distributing Corporation.

PHILIP B. PERLMAN,

*Solicitor General,*

BENEDICT P. COTTONE,

*General Counsel,*

Federal Communications Commission.

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# Supreme Court of the United States

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No. 565.

RADIO CORPORATION OF AMERICA, NA-  
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RCA VICTOR DISTRIBUTING CORPORA-  
TION, *et al.*,

Appellants,

*against*

UNITED STATES OF AMERICA, FEDERAL  
COMMUNICATIONS COMMISSION, and  
COLUMBIA BROADCASTING SYSTEM,  
INC.,

Appellees.

Appeal from the District Court of the United States for the  
Northern District of Illinois, Eastern Division.

## MOTION FOR LEAVE TO DISPENSE WITH PRINTING PART OF THE RECORD

Appellants Radio Corporation of America, National Broadcasting Company, Inc., and RCA Victor Distributing Corporation, and appellees United States of America and Federal Communications Commission respectfully move that the Court grant leave to dispense with the printing of the record of the proceedings before the Federal Communications Commission involved in this appeal, in accordance with the stipulation of the parties to the appeal.

1. In order to expedite the hearing of this appeal before this Court, and in order that the appeal may be heard this Term, all the parties to the appeal (including those not parties to this motion) have executed a stipulation dispensing with the printing of certain parts of the record. Included in the parts of the record which the parties have agreed not to print is the record of the proceedings before the Federal Communications Commission involved in this appeal. Thus, the stipulation reads in part as follows:

"The parties to the above entitled cause hereby stipulate that the following parts of the record should be printed by the Clerk of the Supreme Court:

"The entire record on appeal, except:

"(a) Record of proceedings before the Federal Communications Commission, Index thereto and Certificate of the Secretary of the Commission, attached as Appendix A to the affidavit of Benedict P. Cottone, filed October 30, 1950 (Praecipe, Item 6).

"The parties to the above entitled cause hereby further stipulate that those parts of the record which are not printed may be referred to by any of the parties in their briefs as though they had been printed, and they further stipulate that such proceedings before the Federal Communications Commission as are incorporated by reference in the record of proceedings attached as Appendix A to the affidavit of Benedict P. Cottone filed October 30, 1950 in the District Court may also be referred to in the same manner."

2. Paragraph 9 of Rule 13 of the Revised Rules of the Court reads in part as follows:

"If at the hearing it shall appear that any material part of the record has not been printed, the

appeal may be dismissed or such other order made as the circumstances may appear to the court to require."

3. The record before the Federal Communications Commission is over 9,000 pages in length, exclusive of 256 exhibits, many of which are lengthy. The Office of the Clerk of this Court has advised the undersigned that printing the record of the proceedings before the Federal Communications Commission involved in this appeal would take over two months and that if this part of the record is to be printed the appeal cannot be heard this Term.

4. In *National Broadcasting Company v. United States*, 316 U. S. 447 (1942), and in *National Broadcasting Company v. United States*, 319 U. S. 190 (1943), the record of the administrative hearing before the Federal Communications Commission there involved was filed in this Court as an original exhibit and was not printed. Thus, the Government's brief before this Court in the latter case states in a footnote on page 13 as follows:

"The record before the Commission was filed with the court below in support of the Government's motions to dismiss the complaint or in the alternative for summary judgment; and also in opposition to appellants' motions for preliminary injunction (NBC R. 263, 392; CBS R. 355, 473). This record has been certified to this Court as an original exhibit. It has not been printed, but the parties have stipulated that it may be referred to in the briefs (NBC R. 546-547; CBS R. 506). It is referred to hereafter as 'Tr.'"

5. A certified copy of the record of the proceedings before the Federal Communications Commission involved in this appeal is filed in the Office of the Clerk of this Court.



6. The undersigned respectfully move the Court to grant leave to dispense with the printing of the record of the proceedings before the Federal Communications Commission involved in this appeal, in accordance with the stipulation of the parties to the appeal.

Respectfully submitted,

JOHN T. CAHILL,  
Counsel for Appellants,  
Radio Corporation of America, National  
Broadcasting Company, Inc., RCA Victor  
Distributing Corporation;

PHILIP B. PERLMAN,  
Solicitor General;

BENEDICT P. COTTONE,  
General Counsel,  
Federal Communications Commission.

March 2, 1951.